

THE BOSTON Phoenix



JUNE 23-29, 1989

BOSTON'S LARGEST WEEKLY

THREE SECTIONS

116 PAGES

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IN ARTS

PRINCES OF GOTHAM

Batman: The movie

by Peter Keough

Batman: The album

by Jimmy Guterman



In News

COURT DATE

Waiting for the
word on abortion

(Sean Flynn, page 12)

SPEECH PATROL

A curse
on the First

(Harvey Silverglate, page 15)



JOHN NORDELL

This Combat Zone store became a target.

BRIEF CASES

A curse on the First

BY HARVEY SILVERGLATE

You don't have to be a weatherman, Bob Dylan sang a number of years ago, to know which way the wind is blowing. And these days it sure seems as if the wind in this country, and even in our own "enlightened" state, is blowing against the First Amendment's free-

University at Northridge suspended student-newspaper editor James Taranto after he wrote an article criticizing UCLA officials for their handling of an affirmative-action controversy. The American Civil Liberties Union brought suit in Taranto's name and won a

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some is that people seem willing to toss free speech out the window in exchange for some "higher good" even in those academic and cultural institutions that we've relied on to keep our heads screwed on straight while more-radical elements were losing theirs.

Note the following recent events in the growing national war against "offensive" speech.

- At Stanford University, students — shocked by the specter of homophobia and racism — and administrators — fearful of Stanford's being perceived as intolerant — joined together to draft a policy banning personal attacks featuring "obscenities, epithets and other forms of expression that by accepted community standards degrade, victimize, stigmatize, or pejoratively characterize [people] on the basis of personal, intellectual or cultural diversity." One Canetta Ivy, a Stanford undergrad and student-government leader, told the *New York Times* that she isn't worried that the proposal might threaten First Amendment rights. "We don't have as many restrictions on freedom of speech as we should," said this student who is hoping to attend law school.

- At the University of Wisconsin, the Board of Regents passed a rule this past spring that would ban racial, ethnic, or sexist epithets and make them grounds for expulsion.

- The faculty at the University of Buffalo Law School unanimously passed a "Statement Regarding Intellectual Freedom, Tolerance, and Political Harassment" that openly placed First Amendment free-speech rights below "the responsibility to promote equality and justice."

- Hampshire College, a small New England college famous for its alternative undergraduate program and its devotion to academic freedom and experimentation, recently gave the cold shoulder to vigorously expressed alternative opinion when it denied Professor David Kramer, an instructor in computer science, renewal of his teaching contract. His big sin: he had written and circulated a parody of the extremes to which, in his view, the college's anti-racism and anti-sexism policies had led.

- In 1987 officials at the California State

ACLU Washington director Morton Halperin held a press conference to announce the victory and who do you think showed up? None other than former attorney general Edwin Meese III, who earlier had dubbed the ACLU a "criminals' lobby." It was unclear whether Meese would have shown up had the student been suspended for espousing views on the other end of the political spectrum, but Halperin graciously noted that "we're happy to have any allies we can get on any issue."

- A solo exhibit sponsored earlier this year by the Art Institute of Chicago irked a number of ultra-nationalistic citizens of Illinois and local pols who called for the show to be closed. It seems that student artist Scott Tyler had climaxed his show by inviting viewers to answer this question: "What is the proper way to display the American flag?" In order to answer, visitors had to sign a ledger that was accessible only by walking over a flag that covered the floor. The Art Institute closed the show when the protests got loud enough.

- More recently, a group of 108 members of Congress indirectly pressured the prestigious Corcoran Gallery, in Washington, DC, to cancel an exhibition of the portrait photographs of the legendary and recently deceased Robert Mapplethorpe. The congressional lynch mob wrote to the National Endowment for the Arts declaring that the exhibit contained "nude photographs of children, homoerotic shots of men and a sadomasochistic self-portrait of the artist and other morally repugnant materials of a sexual nature." They vowed to attack the endowment's budget if the agency did not take some action against artwork that did not "clearly pay respect to public standards of taste and decency." The Corcoran Gallery "voluntarily" canceled the show.

- Closer to home, at our own University of Massachusetts, the Board of Regents is considering an anti-racism policy that aims to eradicate ethnic, religious, and cultural prejudice on campus. The board's stated goal of total tolerance would be reached by prohibiting all expressions, as well as conditions, that deny "rights to equality, dignity and

See BRIEF, page 20



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SPORTING EVENTS

RED SOX VS. YANKEES
Boston • July 7, 8, 9
Yankee Stadium

Brief

Continued from page 15
security."

• Also in our own backyard, the Massachusetts Institute of Technology found itself challenged in 1987 by a student who viewed the school's anti-pornography rule as excessive restraint on freedom of expression. The rule required that a film to be shown on campus "should not unfairly reflect the viewpoint and the sexual feelings of men and/or women" and "should generally promote a positive attitude toward sexuality." (This is MIT, mind you, not the local kindergarten, that adopted this rule.) When student Adam Dershowitz, nephew of a vocal local law professor, showed *Deep Throat* on registration day, the administration proceeded to file formal disciplinary charges against him. He won his case before the MIT Committee on Discipline on grounds of academic freedom. When he showed the film at registration the following year, the administration charged him again, only this time it denied him a trial and simply placed an admonition in his file. It was not about to let such niceties as free speech and academic freedom lead once more to the culprit's acquittal. Obviously, the administration had figured out that if there's no trial, there can be no acquittal. (Who said engineers aren't imaginative?)

• This Father's Day, at a militant-feminist rally on the Boston Common protesting "patriarchal violence against women and children," one speaker criticized what she viewed as men's First Amendment freedom to publish sexually explicit materials. After the rally, a mob went on a rampage vandalizing adult book-

people who claim to believe that grimy bootprints on the stars and stripes are what the Founders had in mind when they protected free speech," intoned the magazine, clearly upset that this time its own sacred ox had been gored.

Because of the seriousness and pervasiveness of this problem, and the apparent inability of journals of both the right and the left to deal honestly with the inherent free-speech issues — regardless of whether they agree or disagree with the particular speech being banned — this column will examine over the coming weeks some of the more egregious examples of this disturbing trend. We hope that the picket lines around the Phoenix office will not get too long. □

(The assistance of Andres Zervigon in the preparation of this piece is gratefully acknowledged.)

Voice

Continued from page 10

Majestic Theatre, where it hopes to burnish its reputation and broaden its audience base. The New Opera Company is more than likely to emerge as a significant entity in the city. And the Opera Company of Boston is less than likely to fold in the near future.

A spokeswoman for Caldwell's company said last week that the company's intentions for next season will be announced late this summer or early in the fall. They most probably will include plans to produce a season — even if the money to pay for that season isn't there. (Caldwell and company are noted for announcing productions and singers that don't go on.)

Understandably, Caldwell wants to continue directing and